

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

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GEISINGER SOUTH WILKES-BARRE  
MEDICAL CENTER and GEISINGER  
CLINIC,

Plaintiffs,

-vs-

STEPHEN DUDA and BARBARA  
DUDA, his wife,

Defendants/  
Crossclaim Plaintiffs  
and

AETNA LIFE INSURANCE COMPANY,

Defendants/  
Crossclaim Defendants

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Case No. 3:07-CV-888

(Judge Kosik)

**MEMORANDUM AND ORDER**

We have before us a motion to dismiss an amended complaint which appears to state a meritorious claim, but is deficient in some appropriate pleading requirements, including the naming of a necessary party.

Because we write for the parties, we find it unnecessary to repeat a complete history as well as authorities which have been extensively stated and briefed by both parties. It is our belief that a more extensive consideration of the issues would only lead to what follows here.

Accordingly, plaintiff will have twenty (20) days in which to file a second amended complaint which addresses all of the deficiencies noted in the defense motion, some of which have been acknowledged by plaintiff. A totally new pleading will permit any

continuing issues to be sorted out with discovery and followed by dispositive motions, if deemed necessary.

SO ORDERED.

***s/Edwin M. Kosik***  
United States District Judge

Date: August 12, 2008